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SENATE BILL 262

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE NMSA 1978 TO
PROVIDE FOR STATE ENGINEER AUTHORITY OVER UNDERGROUND
NONPOTABLE WATER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-12-25 NMSA 1978 (being Laws 1967,
Chapter 86, Section 1) is amended to read:

"72-12-25. CERTAIN AQUIFER EXCLUDED FROM BASIN.--

A. No ~~[past or future]~~ order ~~[of]~~ issued by the
state engineer prior to the effective date of this 2008 act
declaring an underground water basin having reasonably
ascertainable boundaries shall include water in an aquifer, the
top of which aquifer is at a depth of ~~[twenty-five]~~ two
thousand five hundred feet or more below the ground surface at
any location at which a well is drilled and which aquifer

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 contains nonpotable water.

2 B. "Nonpotable water", for the purpose of [~~this~~
3 act] Sections 72-12-25 through 72-12-28 NMSA 1978, means water
4 containing not less than one thousand parts per million of
5 dissolved solids.

6 C. Upon the effective date of this 2008 act and
7 upon the state engineer's declaration of an underground water
8 basin having reasonably ascertainable boundaries to include
9 water in an aquifer, the top of which aquifer is at a depth of
10 two thousand five hundred feet or more below the ground surface
11 at any location at which a well is drilled and which aquifer
12 contains nonpotable water, thereafter all appropriations of
13 water from such an aquifer for:

14 (1) oil and gas exploration and production or
15 beneficial use for geothermal use shall be subject to Sections
16 72-12-26 through 72-12-28 NMSA 1978; and

17 (2) all other beneficial uses shall be subject
18 to Sections 72-12-1 through 72-12-24 NMSA 1978.

19 D. Nothing in this section shall affect the
20 disposal of produced water pursuant to Paragraph (15) of
21 Subsection B of Section 70-2-12 NMSA 1978 and Section 70-2-12.1
22 NMSA 1978."